

MINUTES

MONTANA SENATE 56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS AND TRANSPORTATION

Call to Order: By **CHAIRMAN ARNIE MOHL**, on February 4, 1999 at 3:11 P.M., in Room 410 Capitol.

ROLL CALL

Members Present:

Sen. Arnie Mohl, Chairman (R)
Sen. Ric Holden, Vice Chairman (R)
Sen. Mack Cole (R)
Sen. Bob DePratu (R)
Sen. John Hertel (R)
Sen. Reiny Jabs (R)
Sen. Greg Jergeson (D)
Sen. Glenn Roush (D)
Sen. Debbie Shea (D)
Sen. Spook Stang (D)

Members Excused: Sen. Daryl Toews (R)

Members Absent: None.

Staff Present: Connie Erickson, Legislative Branch
Phoebe Olson, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 266 SB 267 SB 268, 2/8/1999
Executive Action: None

HEARING ON SB 266

Sponsor: SENATOR J.D. LYNCH, SD , Butte

Proponents:

SENATOR TED BECK, SD 28

Dean Roberts, MT Department of Justice

Brenda Nordlund, MT Department of Justice

Opponents: None

Opening Statement by Sponsor:

SENATOR J.D. LYNCH, SD 19, Butte, explained that this bill asked for a generic specialty license plate. He said this would solve a lot of problems because you wouldn't need everyone to have their own plate. This bill allowed the organizations to put their stamp on the plate. He said this was at the suggestion of the Department and it made good sense. He believed it was a good idea and he hoped it could pass.

Proponents' Testimony:

SENATOR TED BECK, SD 28, said he supported the bill. He thought it was a good piece of legislation.

Dean Roberts, MT Department of Justice, said they supported the concept because every year someone new was requesting a personalized license plate. He handed out a chart.

EXHIBIT (his28a01)

He contended that this bill would take these requests out of the legislature allowing them time to do more important things and leave it up to the department to deal with it.

Brenda Nordlund, MT Department of Justice, said many states had generic specialty license plate acts. She said the way this would work, was it would give the ability to request a generic specialty license plate to any governmental body or nonprofit organization. She said it was framed rather broadly incase local government for some reason wanted their own plate. She maintained that it set up a process whereby the general background and format would be designed by the department, and then rules would adopted to govern placement of characters and specifications on limitations on color and detail. She explained the process that groups would go through to get a plate. She said she would anser

any specific questions, and believed some of the other license plates into this bill. She urged the committee's support.

Opponents' Testimony: None

Questions from Committee Members and Responses:

SENATOR BOB DEPRATU, asked if this would gradually replace all the other plates.

Brenda Nordlund, said no, the intent would be that all plates from this point on would fall under the bill.

SENATOR MACK COLE, asked if the stickers would be made up by the Department.

Dean Roberts, states that in this bill you would have to have the money to give to the state for 400 sets of plates or \$1200. The state would buy the decal that the sponsor had designed and place it on the plates before they left the prison.

SENATOR COLE, asked if the counties were getting a net increase of ten dollars.

Dean Roberts, said that was correct.

SENATOR COLE, and the state would get \$3.

Dean Roberts, said \$3 went to the Department of Corrections and \$10 went to the State of Montana in the General Fund account.

SENATOR RIC HOLDEN, asked what page specifically talked about who was eligible for this program.

Brenda Nordlund, said page 1, lines 24 through 26. And then again on page 4, lines 12 through 23.

SENATOR HOLDEN, said he really like this idea. He wondered how broad it was.

Brenda Nordlund, said they used the 501C3 because everyone was familiar with it. It's a non profit entity and didn't give K'Mart the right to request plates. She did not know if that was broad enough or not.

SENATOR HOLDEN, said just to get a flavor of how broad the bill was, he wondered if the Farmers Union would qualify.

Brenda Nordlund, said they would have to demonstrate that their primary purpose of the organization is service to the community through specific programs that provoke improving public health, education, or welfare. She said she was not familiar enough with the farmers union to answer that.

SENATOR GREG JERGESON, said the county treasurers association had come in on his bill and suggested they be reimbursed. He said he was concerned about the fee. He wondered if his bill was folded into this bill, if there then would be a mechanism for reimbursing the county treasurer.

Brenda Nordlund, said that was correct.

SENATOR JERGESON, asked if all the licence plate bills were folded into this bill, if only one CI-75 election would be needed.

Brenda Nordlund, said she believed that would be true, but Greg Pettish would have to concur.

SENATOR REINY JABS, asked if this would work for people who wanted less than 400 plates.

Brenda Nordlund, said that this bill would require a pre order of 400 plates or a deposit of \$1200.00

SENATOR JABS, asked if they could still get a plate the old way how many people would use the generic plate.

Brenda Nordlund, said there was no other way to get a plate unless a bill was passed through the legislature. She explained again that these generic plates could be personalized.

Dean Roberts, said there would be nothing to stop a group from approaching a legislator from sponsoring a plate bill, but he hoped they would point them in this direction.

SENATOR BOB DEPRATU, asked if it would be possible to add an amendment to this bill that would dramatically increase the fee to discourage people who wanted to get plates through the legislature.

Brenda Nordlund, said it could probably be amended to do that.

SENATOR JERGESON, said he believed if a group persuaded a legislator to come in with a bill for a special plate, they would have a section in there that would reverse whatever we put in as

a standard they would have to meet. He did not believe that **SENATOR DEPRATU'S** idea would be enforceable.

SENATOR HOLDEN, said he was really, really sick and tired of people approaching him with specialized plate requests. He wondered if there was a way to put a small section in this bill that would require any organization that wanted a specialized plate must first go through the Department of Transportation to see if their plate would be applicable.

Brenda Nordlund, said the intent would be that they would apply through the Department of Justice. She said they would set up the rules that would govern the review of the applications and determine the eligibility of someone to have a generic plate.

SENATOR HOLDEN, said basically he felt there needed to be an appeal process that allowed people to come to the legislature only after they had applied through the Department first. He thought that there should be language in the statute that specifically directed them to the department for acceptance or denial of the plate.

Brenda Nordlund, said she thought section 3 directed them to the Department in terms of the application process. She said they may want to consider giving them a right to judicial review in District Court if they were denied.

SENATOR MOHL, asked if **SENATOR LYNCH** would mind if we put all the license plate bills into his one bill.

SENATOR LYNCH, said he had no problem with that.

SENATOR DEPRATU, asked the sponsor if he would have any objections to the committee coming up with some language to strengthen the encouragement of this vehicle rather than developing the other.

SENATOR LYNCH, said they would not be able to preclude future legislators from wanting to introduce legislation.

Closing by Sponsor:

SENATOR LYNCH, said the bill had a lot of merit not only for efficiency but for the organizations as well. He suggested that the counties be able to keep the \$10. He said it was a good thing for these organizations to be able to make some money of the special plates to do good in the communities. He hoped it would meet with the committees approval.

HEARING ON SB 267, SB 268

Sponsor: SENATOR J.D. LYNCH, SD 19, Butte

Proponents: None

Opponents: None

Tape : 1; Side : B; Approx. Time Counter : 351

Opening Statement by Sponsor:

SENATOR J.D. LYNCH, SD 19, Butte, said these were the companion bills for SB 266. He explained that they covered the contingency avoidance provision and the CI-75 requirements.

Closing by Sponsor:

The Senator has closed.

ADJOURNMENT

Adjournment: 3:54 P.M.

SEN. ARNIE MOHL, Chairman

PHOEBE OLSON, Secretary

AM/PO

EXHIBIT (his28aad)